

House Bill 42

By: Representatives Turner of the 21st, Hawkins of the 27th, Cooper of the 43rd, Bennett of the 94th, Martin of the 49th, and others

**A BILL TO BE ENTITLED
AN ACT**

1 To amend various titles of the Official Code of Georgia Annotated so as to prohibit
2 professional licensing boards from refusing to issue a license or suspending or revoking the
3 license of a person who is a borrower in default under an educational loan issued through the
4 Georgia Higher Education Assistance Corporation or through a federal agency; to provide
5 for related matters; to repeal conflicting laws; and for other purposes.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **SECTION 1.**

8 Code Section 2-7-102 of the Official Code of Georgia Annotated, relating to grounds for
9 denial, suspension, revocation, or modification of license, permit, or certification for the use
10 and handling of pesticides, is amended by revising subsection (d) as follows:
11 "(d) The Commissioner shall not suspend any pesticide contractor's license or certified
12 commercial pesticide applicator's license or refuse to grant or renew either license ~~upon~~
13 ~~notice to the Commissioner by the Georgia Higher Education Assistance Corporation that:~~
14 ~~(1) The~~ of an applicant for or holder of either such license who is a borrower in default
15 ~~who is not in satisfactory repayment status~~ under the Georgia Higher Education Loan
16 Program as determined by the Georgia Higher Education Assistance Corporation or who
17 has been certified by any entity of the federal government for nonpayment or default or
18 breach of a repayment or service obligation under any federal educational loan, loan
19 repayment, or service conditional scholarship program as defined in Code Section
20 20-3-295; and
21 ~~(2) The hearings and appeals procedures provided in Code Section 20-3-295, where~~
22 ~~applicable, shall be the only such procedures required under this article."~~

23 **SECTION 2.**

24 Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to financial
25 institutions, is amended in Code Section 7-1-693, relating to applicant or licensee to engage

26 in the sale of payment instruments or money transmissions as borrower in default, by
27 revising subsection (a) as follows:

28 "(a) Where an applicant or licensee has been found to be a borrower in default, as defined
29 in Code Section 20-3-295 under the Georgia Higher Education Loan Program as
30 determined by the Georgia Higher Education Assistance Corporation or has been certified
31 by any entity of the federal government for nonpayment or default or breach of a
32 repayment or service obligation under any federal educational loan, loan repayment, or
33 service conditional scholarship program, such action shall not be sufficient grounds for
34 refusal of a license or suspension of a license. In such actions, the hearing and appeal
35 procedures provided for in said Code section shall be the only procedures required under
36 this article. The department shall be permitted to share, without liability, information on
37 its applications or other forms with appropriate state agencies to assist them in collecting
38 outstanding student loan debt."

39 **SECTION 3.**

40 Said chapter is further amended in Code Section 7-1-708.1, relating to denial or suspension
41 of license to cash payment instruments for student borrowers in default, by revising
42 subsection (a) as follows:

43 "(a) Where an applicant or licensee has been found to be a borrower in default, as defined
44 in Code Section 20-3-295 under the Georgia Higher Education Loan Program as
45 determined by the Georgia Higher Education Assistance Corporation or has been certified
46 by any entity of the federal government for nonpayment or default or breach of a
47 repayment or service obligation under any federal educational loan, loan repayment, or
48 service conditional scholarship program, such action shall not be sufficient grounds for
49 denial of an application or suspension of a license. In such actions, the hearing and appeal
50 procedures provided for in said Code section shall be the only procedures required under
51 this article. The department shall be permitted to share, without liability, information on
52 its applications or other forms with appropriate state agencies to assist them in collecting
53 outstanding student loan debt."

54 **SECTION 4.**

55 Said chapter is further amended in Code Section 7-1-1017, relating to suspension or
56 revocation of licenses, registrations, or mortgage broker education approval for mortgage
57 lenders and mortgage brokers, notice, judicial review, and effect on preexisting contract, by
58 revising paragraph (3) of subsection (a) as follows:

59 "(3) Where an applicant or licensee has been found to be a borrower in default as
60 provided in Code Section 20-3-295 under the Georgia Higher Education Loan Program

61 as determined by the Georgia Higher Education Assistance Corporation or has been
62 certified by any entity of the federal government for nonpayment or default or breach of
63 a repayment or service obligation under any federal educational loan, loan repayment, or
64 service conditional scholarship program, such action shall not be sufficient grounds for
65 refusal of a license or suspension of a license. In such actions, the hearing and appeal
66 procedures provided for in Code Section 20-3-295 shall be the only such procedures
67 required under this article."

SECTION 5.

69 Code Section 12-6-49.2 of the Official Code of Georgia Annotated, relating to the suspension
70 of a registered forester license, borrowers in default, and hearing and appeal procedures, is
71 amended by revising as follows:

72 "12-6-49.2.

73 (a) As used in this Code section, the term:

74 (1) 'Agency' means the Georgia Higher Education Assistance Corporation created in
75 Code Section 20-3-263 which is responsible for administering a program of guaranteed
76 educational loans to eligible students and eligible parents known as the Georgia Higher
77 Education Loan Program.

78 (2) 'Borrower' means an individual who borrowed a guaranteed educational loan under
79 the Georgia Higher Education Loan Program.

80 (3) 'Default' means default as defined by federal law under the Higher Education Act of
81 1965.

82 (4) 'Satisfactory repayment status' means the borrower has agreed to repay the defaulted
83 loan to the agency and has made a payment in the most recent prior 60 days.

84 (b) The board shall not suspend, as provided for in Code Section 20-3-295, the license of
85 any registered forester upon receipt of a record from the agency stating that such licensee
86 who is a borrower in default who is not in satisfactory repayment status as determined by
87 the agency or who has been certified by any entity of the federal government for
88 nonpayment or default or breach of a repayment or service obligation under any federal
89 educational loan, loan repayment, or service conditional scholarship program.

90 (c) The board shall not deny the application for renewal, as provided for in Code Section
91 20-3-295, of any applicant or licensee ~~upon receipt of a record from the agency stating that~~
92 ~~such licensee is who is~~ a borrower in default who is not in satisfactory repayment status as
93 determined by the agency or who has been certified by any entity of the federal government
94 for nonpayment or default or breach of a repayment or service obligation under any federal
95 educational loan, loan repayment, or service conditional scholarship program.

96 (d) Notwithstanding any other provisions of law, the hearings and appeals procedures
97 provided for in Code Section 20-3-295, where applicable, shall be the only such procedures
98 required to suspend a license or deny the issuance or renewal of an application for a license
99 under this part."

100 **SECTION 6.**

101 Part 2 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated,
102 relating to the Georgia Higher Education Assistance Corporation, is amended by revising
103 Code Section 20-3-295, relating to the corporation to maintain certified list of borrowers in
104 default, administrative hearings, and appeals, as follows:

105 "20-3-295.

106 (a) As used in this Code section, the term:

107 (1) 'Agency' means the Georgia Higher Education Assistance Corporation created in
108 Code Section 20-3-263 which is responsible for administering a program of guaranteed
109 educational loans to eligible students and eligible parents known as the Georgia Higher
110 Education Loan Program.

111 (2) 'Applicant' means any person applying for issuance or renewal of a license.

112 (3) 'Borrower' means an individual who borrowed a guaranteed educational loan under
113 the Georgia Higher Education Loan Program.

114 (4) 'Certified list' means a list provided by the agency of the names of borrowers who
115 default on guaranteed educational loans made under the Georgia Higher Education Loan
116 Program and are not in a satisfactory repayment status; provided, however, the term
117 default shall not include any obligation which is restructured or which is discharged
118 under hardship provisions under the federal Bankruptcy Code. Reserved.

119 (5) 'Default' means default as defined by federal law under the Higher Education Act of
120 1965.

121 (6) 'License' means a certificate, permit, registration, or any other authorization issued
122 by any licensing entity that allows a person to engage in a profession, business, or
123 occupation.

124 (7) 'Licensee' means any person holding a license.

125 (8) 'Licensing entity' means any state agency, department, or board of this state which
126 issues or renews any license, certificate, permit, or registration to authorize a person to
127 engage in a profession, business, or occupation, including those under Article 3 of
128 Chapter 7 of Title 2, the 'Georgia Pesticide Use and Application Act of 1976'; Article 13
129 of Chapter 1 of Title 7, relating to mortgage lenders and mortgage brokers; Chapter 5 of
130 Title 10, the 'Georgia Uniform Securities Act of 2008,' relating to securities salespersons
131 and investment adviser representatives; Part 2 of Article 1 of Chapter 6 of Title 12,

132 relating to foresters; Chapter 4 of Title 26, relating to pharmacists; Chapter 23 of Title 33,
133 relating to insurance agents, counselors, and other personnel; Chapter 1 of Title 43,
134 relating to professions and businesses; Chapter 3 of Title 43, relating to accountants;
135 Chapter 39A of Title 43, relating to real estate appraisers; or Chapter 40 of Title 43,
136 relating to real estate brokers and salespersons.

137 (9) 'Satisfactory repayment status' means the borrower has agreed to repay the defaulted
138 loan to the agency and has made a payment in the most recent prior 60 days.

139 (b) ~~The agency shall maintain a state-wide certified list of borrowers in default who have~~
140 ~~not made satisfactory arrangements to ensure voluntary repayment. The certified list must~~
141 ~~be updated on a monthly basis. The agency shall submit to each licensing entity a certified~~
142 ~~list with the name, social security number, if known, date of birth, and last known address~~
143 ~~of each person on the list. No licensing entity shall refuse to issue nor suspend or revoke~~
144 ~~a license to an applicant or licensee who is a borrower in default who is not in satisfactory~~
145 ~~repayment status as determined by the agency or who has been certified by any entity of~~
146 ~~the federal government for nonpayment or default or breach of a repayment or service~~
147 ~~obligation under any federal educational loan, loan repayment, or service conditional~~
148 ~~scholarship program.~~

149 (c) ~~On or before January 1, 1999, all licensing entities shall implement procedures to~~
150 ~~accept and process the list provided by the agency in accordance with this Code section.~~
151 ~~Such procedures should be substantially similar if not identical to those implemented to~~
152 ~~comply with Code Section 19-11-9.3.~~

153 (d) ~~Promptly after receiving the certified list from the agency, all licensing entities shall~~
154 ~~determine whether an applicant or licensee is on the most recent certified list. If an~~
155 ~~applicant or licensee is on the certified list, the licensing entity shall immediately notify the~~
156 ~~agency. That notification shall include the applicant's or licensee's last known mailing~~
157 ~~address on file with the licensing entity.~~

158 (e) ~~After receiving notice from the licensing entity of applicants or licensees who are on~~
159 ~~the certified list, the agency shall immediately notify those individuals as specified in~~
160 ~~subsection (f) of this Code section of the agency's intent to request that all pertinent~~
161 ~~licensing entities suspend all licenses or withhold issuance or renewal of any license.~~

162 (f) ~~Notice for purposes of this Code section shall be initiated by the agency. Notice to the~~
163 ~~borrower in default shall include the address and telephone number of the agency and shall~~
164 ~~inform the borrower in default of the agency's intent to submit the borrower's name to the~~
165 ~~relevant licensing entities and to request that the relevant licensing entities withhold~~
166 ~~issuance or renewal of the license or suspend the license. The notice must also inform the~~
167 ~~borrower in default of the following:~~

168 (1) The borrower in default has 20 days from the date of mailing to enter into a
169 satisfactory repayment status. If the borrower in default fails to enter into a satisfactory
170 repayment status or does not respond within that time, the agency will send notice to the
171 appropriate licensing entities and request that the licenses be suspended or the licensure
172 applications be denied;

173 (2) The borrower in default may request an administrative hearing and judicial review
174 of that hearing under subsection (g) of this Code section. A request for a hearing must
175 be made in writing and must be received by the agency within 20 days of service of
176 notice, and

177 (3) If the borrower in default requests a hearing within 20 days of service, the agency
178 shall stay all action pending the hearing and any appeals.

179 (g) All borrowers in default subject to the sanctions imposed in this Code section shall
180 have the right to a hearing before an administrative law judge of the Office of State
181 Administrative Hearings pursuant to Article 2 of Chapter 13 of Title 50. A borrower in
182 default who requests a hearing within the time prescribed in subsection (f) of this Code
183 section shall have the right to a hearing. The hearing shall be conducted as provided in
184 Article 2 of Chapter 13 of Title 50 within 45 days after such demand is received. The only
185 issues at the hearing will be whether:

186 (1) There is an outstanding guaranteed educational loan;

187 (2) The licensee or applicant is the borrower named in the loan;

188 (3) The borrower is or is not in default;

189 (4) The borrower has entered into a satisfactory repayment status;

190 (5) The loan obligation is not enforceable; and

191 (6) The loan has been restructured or the loan has been discharged under hardship
192 provisions under the federal Bankruptcy Code.

193 With respect to the issues listed in this subsection, evidence relating to the ability and
194 willingness of a borrower to repay the loan shall be considered in making the decision
195 either to suspend a license or deny the issuance or renewal of a license under this Code
196 section. The administrative law judge shall be authorized to enter into an agreement or
197 enter an order requiring periodic payments, and, in each event, the administrative law judge
198 shall be authorized to issue a release for the borrower to obtain each license or licenses.

199 (h) The decision at the hearing shall be subject to appeal and judicial review pursuant to
200 Article 2 of Chapter 13 of Title 50 but only as to those issues referred to in subsection (g)
201 of this Code section. Notwithstanding any hearing requirements for suspension and denials
202 within each licensing entity, the hearing and appeal procedures outlined in this Code
203 section shall be the only hearing required to suspend a license or deny the issuance or
204 renewal of a license under this Code section.

205 (i) The agency shall prescribe release forms for its use. When the borrower is determined
206 to be in satisfactory repayment status or is determined to be not in satisfactory repayment
207 status but has been determined in a hearing pursuant to subsection (g) of this Code section
208 to be unable to comply with the terms of the loan agreement or to be not willfully out of
209 compliance with such loan agreement, the agency shall mail to the borrower in default and
210 the appropriate licensing entity a notice of release stating such determination. The receipt
211 of a notice of release shall serve to notify the borrower in default and the licensing entity
212 that, for the purpose of this Code section, he or she is in satisfactory repayment status, and
213 the licensing entity shall promptly thereafter issue or reinstate the license, unless the
214 agency, pursuant to subsection (b) of this Code section, certifies subsequent to the issuance
215 of a notice of release that the borrower in default is once again not in satisfactory
216 repayment status.

217 (j) The agency may enter into interagency agreements with state agencies that have
218 responsibility for the administration of licensing entities as necessary to implement this
219 Code section. Those agreements shall provide for the receipt by other state agencies and
220 boards of federal funds to cover that portion of costs allowable under federal law and
221 regulation and incurred by state agencies and boards in implementing this Code section.

222 (k) Any licensing entity receiving an inquiry as to the license status of an applicant who
223 has had an application for issuance or renewal of a license denied under this Code section
224 shall respond only that the license was suspended or the licensure application was denied
225 pursuant to this Code section.

226 (l) The agency shall, and the licensing entities as appropriate may, adopt regulations
227 necessary to implement this Code section."

228 SECTION 7.

229 Code Section 26-4-60 of the Official Code of Georgia Annotated, relating to grounds for
230 suspension, revocation, or refusal to grant licenses to pharmacists, is amended by revising
231 subsection (k) as follows:

232 "(k) The board shall not have the power to suspend any license issued under Article 3 of
233 this chapter when such holder is a borrower in default who is not in satisfactory repayment
234 status ~~as provided in Code Section 20-3-295 under the Georgia Higher Education Loan~~
235 ~~Program as determined by the Georgia Higher Education Assistance Corporation or who~~
236 ~~has been certified by any entity of the federal government for nonpayment or default or~~
237 ~~breach of a repayment or service obligation under any federal educational loan, loan~~
238 ~~repayment, or service conditional scholarship program.~~ The board shall also not have the
239 power to deny the application for issuance or renewal of a license under Article 3 of this
240 chapter when such applicant is a borrower in default ~~who is not in satisfactory repayment~~

241 ~~status as provided in Code Section 20-3-295 under the Georgia Higher Education Loan~~
242 ~~Program as determined by the Georgia Higher Education Assistance Corporation or has~~
243 ~~been certified by any entity of the federal government for nonpayment or default or breach~~
244 ~~of a repayment or service obligation under any federal educational loan, loan repayment,~~
245 ~~or service conditional scholarship program. The hearings and appeals procedures provided~~
246 ~~for in Code Section 20-3-295 shall be the only such procedures required to suspend or deny~~
247 ~~any license issued under Article 3 of this chapter."~~

248 SECTION 8.

249 Article 1 of Chapter 23 of Title 33 of the Official Code of Georgia Annotated, relating to
250 licensing insurance agents, agencies, subagents, counselors, and adjusters, is amended in
251 Code Section 33-23-21, relating to grounds for refusal, suspension, or revocation of licenses
252 to sell insurance, by revising paragraphs (21) through (23) as follows:

253 ~~"(21) Is a borrower in default who is not in satisfactory repayment status as defined by~~
254 ~~Code Section 20-3-295, for violations of this paragraph only, any hearing and appeal~~
255 ~~procedures conducted pursuant to Code Section 20-3-295 shall be the only such~~
256 ~~procedures required to suspend, deny, or revoke any license under this title;~~

257 ~~(22) In relation to the licensee's ability to transact the business of insurance, has had a~~
258 ~~license, permit, authorization, registration, or privilege refused, revoked, suspended,~~
259 ~~limited, or restricted by any federal, state, county, municipality, territory, military, or~~
260 ~~other legal authority authorized to issue licenses, permits, authorizations, registrations,~~
261 ~~or privileges to conduct business within its respective jurisdiction; otherwise has failed~~
262 ~~to comply with the legal requirements related to the license, permit, authorization,~~
263 ~~registration, or privilege; or has had other disciplinary action taken against him or her by~~
264 ~~any such lawful authority; or~~

265 ~~(23)(22) Has failed to report to the department within 60 days of the action taken, any~~
266 ~~refusal, revocation, suspension, limitation, or restriction of any license, permit,~~
267 ~~authorization, registration, or privilege of any lawful authority referenced in paragraphs~~
268 ~~(18) or (22)(21) of this Code section."~~

269 SECTION 9.

270 Said article is further amended by adding a new Code section to read as follows:

271 "33-23-21.1.

272 The Commissioner shall not refuse to issue nor suspend or revoke a license of an applicant
273 for or holder of a license who is a borrower in default under the Georgia Higher Education
274 Loan Program as determined by the Georgia Higher Education Assistance Corporation or
275 who has been certified by any entity of the federal government for nonpayment or default

276 or breach of a repayment or service obligation under any federal educational loan, loan
277 repayment, or service conditional scholarship program."

278 **SECTION 10.**

279 Said article is further amended in Code Section 33-23-22, relating to notice of suspension or
280 revocation of license, hearing, and appeals, by revising as follows:

281 "33-23-22.

282 (a) Any license, other than a probationary license or inactive license as described in
283 subsection ~~(b)~~ (a) of Code Section 33-23-19, may be suspended or revoked as provided by
284 Code Section 33-23-21 and subsection (b) of Code Section 33-23-19, and the
285 Commissioner shall give notice of such action to the applicant for or holder of the license
286 and any insurer or agent whom the applicant or licensee represents or who desires that the
287 applicant or licensee be licensed. The procedure for conduct of hearings set forth in
288 Chapter 2 of this title shall be followed in all cases except those cases pursuant to
289 paragraph (20) ~~or (21)~~ of Code Section 33-23-21 which shall only require the hearings
290 provided for in ~~either~~ said paragraph.

291 (b) Appeal from any order or decision of the Commissioner made pursuant to this chapter
292 shall be taken as provided in Chapter 2 of this title."

293 **SECTION 11.**

294 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
295 is amended in Code Section 43-1-19, relating to grounds for refusing to grant or revoking
296 licenses, application of Administrative Procedure Act, subpoena powers, disciplinary actions,
297 judicial review, reinstatement, investigations, complaints, surrender, and probationary license
298 regarding professional licensing boards, by adding "or" at the end of paragraph (10) of
299 subsection (a), by replacing ";" or" at the end of paragraph (11) of subsection (a) with a
300 period, and by repealing paragraph (12) of subsection (a).

301 **SECTION 12.**

302 Said title is further amended by revising Code Section 43-1-29, relating to suspension of
303 license for nonpayment of student loans, procedure, and reinstatement regarding professional
304 licensing boards, as follows:

305 "43-1-29.

306 A professional licensing board shall not suspend the license of a person licensed by that
307 board who is a borrower in default under the Georgia Higher Education Loan Program as
308 determined by the Georgia Higher Education Assistance Corporation or who has been
309 certified by a federal agency and reported to the board any entity of the federal government

310 for nonpayment or default or breach of a repayment or service obligation under any federal
311 educational loan, loan repayment, or service conditional scholarship program. ~~Prior to the~~
312 ~~suspension, the licensee shall be entitled to notice of the board's intended action and~~
313 ~~opportunity to appear before the board according to procedures set forth by the division~~
314 ~~director in rules and regulations. A suspension of a license under this Code section is not~~
315 ~~a contested case under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'~~
316 ~~A license suspended under this Code section shall not be reinstated or reissued until the~~
317 ~~person provides the licensing board a written release issued by the reporting agency stating~~
318 ~~that the person is making payments on the loan or satisfying the service requirements in~~
319 ~~accordance with an agreement approved by the reporting agency. If the person has~~
320 ~~continued to meet all other requirements for licensure during the period of suspension,~~
321 ~~reinstatement of the license shall be automatic upon receipt of the notice and payment of~~
322 ~~any reinstatement fee which the board may impose."~~

323 SECTION 13.

324 Said title is further amended in Code Section 43-3-27, relating to notification of conviction,
325 time limit, and suspension of licenses regarding accountants, by revising subsection (b) as
326 follows:

327 "(b) The board may not suspend the license of an individual who is a borrower in default
328 under the Georgia Higher Education Loan Program as determined by the Georgia Higher
329 Education Assistance Corporation or who has been certified by a ~~any~~ federal agency and
330 ~~reported to the board any entity of the federal government for nonpayment or default or~~
331 ~~breach of a repayment or service obligation under any federal educational loan, loan~~
332 ~~repayment, or service conditional scholarship program. Prior to the suspension, the~~
333 ~~licensee shall be entitled to notice of the board's intended action and opportunity to appear~~
334 ~~before the board. A suspension of a license under this Code section is not a contested case~~
335 ~~under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'~~ A license
336 suspended under this Code section shall not be reinstated or reissued until the individual
337 provides the board a written release issued by the reporting agency stating that the
338 individual is making payments on the loan or satisfying the service requirements in
339 accordance with an agreement approved by the reporting agency. If the individual has
340 continued to meet all other requirements for licensure during the period of suspension,
341 reinstatement of the license shall be automatic upon receipt of the notice and payment of
342 any reinstatement fee which the board may impose."

343

SECTION 14.

344 Said title is further amended in Code Section 43-20A-16, relating to cause for disciplinary
345 actions and disciplinary order a final order regarding licensed immigration assistance
346 providers, by adding "or" at the end of paragraph (11) of subsection (a), by replacing ";" or"
347 with a period at the end of paragraph (12) of subsection (a), and by revising paragraph (13)
348 of subsection (a) as follows:

349 "(13)(a.1) The Secretary of State shall not order the discipline, denial, suspension, or
350 revocation of a license issued pursuant to this chapter for a person who has ~~Has~~ been found
351 by the Secretary of State pursuant to notice by the Georgia Higher Education Assistance
352 ~~Corporation that the applicant for or holder of such license is to be~~ a borrower in default
353 who is not in satisfactory repayment status as defined in Code Section 20-3-295.
354 ~~Notwithstanding the provisions of Chapter 13 of Title 50, the hearings and appeals~~
355 ~~procedures provided in Code Section 20-3-295, where applicable, shall be the only such~~
356 ~~procedures required under this subsection."~~

357

SECTION 15.

358 Said title is further amended by revising Code Section 43-20A-17, relating to suspension of
359 license for licensed immigration assistance providers for nonpayment, default, or breach of
360 repayment or service obligation under certain educational loan or scholarship programs and
361 terms of reinstatement, as follows:

362 "43-20A-17.

363 The Secretary of State shall not suspend a license issued pursuant to this chapter ~~if reported~~
364 ~~to the Secretary of State of a person~~ for nonpayment or default or breach of a repayment
365 or service obligation under any federal educational loan, loan repayment, or service
366 conditional scholarship program. ~~Prior to a suspension, the licensee shall be entitled to~~
367 ~~notice of the Secretary of State's intended action and opportunity to appear before the~~
368 ~~Secretary of State according to procedures set forth by the Secretary of State. A suspension~~
369 ~~of a license pursuant to this Code section shall not be a contested case under Chapter 13~~
370 ~~of Title 50. A license suspended pursuant to this Code section shall not be reinstated or~~
371 ~~reissued until the person arranges for a written release to be issued by the reporting agency~~
372 ~~directly to the Secretary of State stating that the person is making payments on the loan or~~
373 ~~satisfying the service requirements in accordance with an agreement approved by the~~
374 ~~reporting agency. If such person has continued to meet all other requirements for licensure~~
375 ~~during the period of suspension, reinstatement of the license shall be automatic upon~~
376 ~~receipt of the notice and payment of any reinstatement fee which the Secretary of State may~~
377 ~~impose."~~

378

SECTION 16.

379 Said title is further amended in Code Section 43-34-8, relating to authority to refuse license,
380 certificate, or permit or issue discipline for health professionals regulated by the Georgia
381 Composite Medical Board, suspension, restoration, investigations, hearings on fitness,
382 immunity, and publication of final disciplinary actions, by adding "or" at the end of
383 paragraph (22) of subsection (a) and by revising paragraphs (23) and (24) of subsection (a)
384 and subsection (b.1) as follows:

385 ~~"(23) Failed to enter into satisfactory repayment status and is a borrower in default as~~
386 ~~defined by Code Section 20-3-295; it shall be incumbent upon the applicant, licensee,~~
387 ~~certificate holder, or permit holder to supply the notice of release to the board from the~~
388 ~~Georgia Higher Education Assistance Corporation indicating that the licensee, certificate~~
389 ~~holder, permit holder, or applicant has entered into satisfactory repayment status so that~~
390 ~~a license, certificate, or permit may be issued or granted if all other conditions for~~
391 ~~issuance of a license, certificate, or permit are met; or~~
392 ~~(24) Except for practice settings identified in paragraph (7) of subsection (g) of Code~~
393 ~~Section 43-34-25 and arrangements approved by the board prior to July 1, 2009, as set~~
394 ~~forth in subsection (k) of Code Section 43-34-103, been a physician that has been or is~~
395 ~~employed by one the physician:~~

396 (A) Delegates medical acts to;
397 (B) Enters a protocol or job description with; or
398 (C) Is responsible for supervising."

399 ~~"(b.1) The board shall not suspend the license, certificate, or permit of a person licensed~~
400 ~~by the board who is a borrower in default who is not in satisfactory repayment status under~~
401 ~~the Georgia Higher Education Loan Program as determined by the Georgia Higher~~
402 ~~Education Assistance Corporation or who has been certified by a federal agency and~~
403 ~~reported to the board any entity of the federal government for nonpayment or default or~~
404 ~~breach of a repayment or service obligation under any federal education loan, loan~~
405 ~~repayment, or service conditional scholarship program. Prior to the suspension, the~~
406 ~~licensee, certificate holder, or permit holder shall be entitled to notice of the board's~~
407 ~~intended action and opportunity to appear before the board according to procedures set~~
408 ~~forth in the board's rules and regulations. A suspension of a license, certificate, or permit~~
409 ~~under this subsection is not a contested case under Chapter 13 of Title 50, 'Georgia~~
410 ~~Administrative Procedure Act.' A license, certificate, or permit suspended under this Code~~
411 ~~section shall not be reinstated or reissued until the person provides the board a written~~
412 ~~release issued by the reporting agency stating that the person is making payments on the~~
413 ~~loan or satisfying the service requirements in accordance with an agreement approved by~~
414 ~~the reporting agency. If the person has continued to meet all other requirements for~~

415 ~~issuance of a license, certificate, or permit during the period of suspension, reinstatement~~
416 ~~of the license, certificate, or permit shall be automatic upon receipt of the notice and~~
417 ~~payment of any reinstatement fee which the board may impose."~~

418 **SECTION 17.**

419 Said title is further amended in Code Section 43-39A-14, relating to required conduct of
420 applicants for real estate appraiser licenses, grounds for refusal of classification, imposition
421 of sanctions, and suspension or revocation of classification, by revising subsection (k) as
422 follows:

423 "(k) Where an applicant or licensee has been found to be a borrower in default who is not
424 in satisfactory repayment status as provided in Code Section 20-3-295 under the Georgia
425 Higher Education Loan Program as determined by the Georgia Higher Education
426 Assistance Corporation or who has been certified by any entity of the federal government
427 for nonpayment or default or breach of a repayment or service obligation under any federal
428 educational loan, loan repayment, or service conditional scholarship program, such finding
429 shall not be sufficient grounds for refusal of a license or suspension of a license. For
430 purposes of this subsection, the hearing and appeal procedures provided for in Code
431 Section 20-3-295 shall be the only such procedures required under this article."

432 **SECTION 18.**

433 Said title is further amended in Code Section 43-40-15, relating to grant of licenses to real
434 estate brokers and salespersons, grounds for suspension or revocation of license, other
435 sanctions, surrender or lapse, and conviction, by revising subsection (l) as follows:

436 "(l) Where an applicant or licensee has been found to be a borrower in default who is not
437 in satisfactory repayment status as provided in Code Section 20-3-295 under the Georgia
438 Higher Education Loan Program as determined by the Georgia Higher Education
439 Assistance Corporation or who has been certified by any entity of the federal government
440 for nonpayment or default or breach of a repayment or service obligation under any federal
441 educational loan, loan repayment, or service conditional scholarship program, such status
442 finding shall not be sufficient grounds for refusal of a license or suspension of a license.
443 In such cases, the hearing and appeal procedures provided for in Code Section 20-3-295
444 shall be the only such procedures required under this chapter."

445 **SECTION 19.**

446 All laws and parts of laws in conflict with this Act are repealed.